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*Counsel to Virginia Conservation Legacy Fund, Inc.
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Plaintiff,

v.

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Defendants.

Chapter 11

Case No. 15-32450 (KLP)

Jointly Administered

Adv. Proc. No. 16-03105 (KLP)

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Counterclaim-Plaintiffs,

v.

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Counterclaim-Defendant.

**VCLF’S MOTION *IN LIMINE* TO PRECLUDE DAMAGES TESTIMONY FROM
BLACK DIAMOND-AFFILIATED WITNESSES**

Virginia Conservation Legacy Fund, Inc. and ERP Compliant Fuels, LLC (collectively, “VCLF”) respectfully move this Court in *limine* to preclude Black Diamond Commercial Finance, LLC (“Black Diamond”) from eliciting testimony regarding damages from Black Diamond representatives or affiliated witnesses at the upcoming trial scheduled to commence June 4, 2018.

For the reasons described in *VCLF’s Memorandum of Law in Support of Motion in Limine to Preclude Damages Testimony From Black Diamond-Affiliated Witnesses*, filed contemporaneously herewith, the Court should enter an order substantially in the form of the attached Exhibit A.

Respectfully submitted,

Dated: May 29, 2018
McLean, Virginia

/s/ Patrick J. Potter
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*Counsel to Virginia Conservation Legacy Fund,
Inc. and ERP Compliant Fuels, LLC*

CERTIFICATE OF SERVICE

I hereby certify that, on May 29, 2018, I filed the foregoing *VCLF's Motion in Limine to Preclude Damages Testimony from Black Diamond-Affiliated Witnesses* by uploading it to this Court's CM/ECF system, which will send notification of such filing to all CM/ECF participants, and that I served a copy on opposing counsel of record in this adversary proceeding by email.

/s/ Patrick J. Potter

Patrick J. Potter